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Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
Eastern Division**

CANDYCE SCOTT

Against

FBCS, INC.

Case No.:

COMPLAINT for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* and the Rosenthal Fair Debt Collections Practices Act, Cal. Civ. Code § 1788 *et seq.*

Plaintiff Candyce Scott ("Plaintiff" or "Scott") by and through her attorneys,
The Law Offices of Jonathan A. Stieglitz, as and for its Complaint against
Defendant FBCS, Inc. ("Defendant") respectfully sets forth, complains and alleges,
upon information and belief, the following:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331, as well as 15 U.S.C. § 1692 *et seq.* and 28 U.S.C. § 2201. The Court also has pendant jurisdiction over the State law claims in this action pursuant to 28 U.S.C. § 1367(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

3. Plaintiff brings this action for damages and declaratory and injunctive relief arising from the Defendant's violations of 15 U.S.C. § 1692 *et seq.*, commonly known as the Fair Debt Collections Practices Act ("FDCPA"), and Cal. Civ. Code § 1788 *et seq.*, commonly known as the Rosenthal Fair Debt Collections Practices Act ("RFDCPA").

PARTIES

4. Plaintiff is a resident of the State of California, residing in the County of Riverside, at 1077 Sunburst Drive, Beaumont, CA 92223.

5. Defendant is "debt collector" as the phrase is defined in 15 U.S.C. § 1692(a)(6) and used in the FDCPA, with an address at 330 S Warminster Road, Suite 353, Hatboro, PA 19040.

FACTUAL ALLEGATIONS

6. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein with the same force and effect as if the same were set forth at length herein.

1 7. On information and belief, on a date better known to Defendant,
2 Defendant began collection activities on an alleged consumer debt from the
3 Plaintiff (“Alleged Debt”).
4

5 8. The Alleged Debt was incurred as a financial obligation that was
6 primarily for personal, family or household purposes and is therefore a
7 “debt” as that term is defined by 15 U.S.C. § 1692a(5).
8

9 9. On or around September 9, 2016, Plaintiff received a collection letter
10 from Defendant.
11

12 10. The letter states that the date the Alleged Debt was last paid was April
13 13, 2009.
14

15 11. The statute of limitations to sue on a debt in the State of California is
16 four years.
17

18 12. The collection letter omits the fact that the statute of limitations for the
19 debt that Defendant is attempting to collect has expired.
20

21 13. This is a material fact that is required to be disclosed.
22

23 14. The omission threatens the consumer’s rights and coerces payment
24 from the consumer because she is unaware that Defendant cannot sue to
25 collect on the debt.
26

27 15. As a result of Defendant's deceptive, misleading and unfair debt
28 collection practices, Plaintiff has been damaged.

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

16. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein with the same force and effect as if the same were set forth at length herein.

17. Defendant's debt collection efforts attempted and/or directed towards Plaintiff violate various provisions of the FDCPA, including but not limited to 15 U.S.C. §§ 1692e, 1692e(2), 1692e(5), 1692e(10) and 1692f.

18. As a result of the Defendant's violations of the FDCPA, Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

SECOND CAUSE OF ACTION
(Violations of the RFDCPA)

19. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein with the same force and effect as if the same were set forth at length herein.

20. The RFDCPA requires debt collectors to comply with the FDCPA, and a violation of the FDCPA is also a violation of the RFDCPA. Cal. Civ. Code § 1788.17.

21. The remedies under the FDCPA and RFDCPA are cumulative, and Plaintiff is entitled to damages under both acts.

Jonathan A Stieglitz

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